

Remarks

Claims 17, 18, 39-43 and 45 are amended. Claims 17, 18, 20, 22-25, 36, 37 and 39-45 are pending. Support for the amendments to the claims is found in the specification as filed. Applicants respectfully submit that the claims, as amended, are in condition for allowance.

Notice of Non-compliant Response

Applicants have corrected the errors in the amended claims, and respectfully request the amendments be entered.

Interview Summary

Applicants kindly thank the Examiner for the courtesy of an Interview on July 8, 2008. Applicants discussed the prior art of record and potential claim amendments in order to advance prosecution. No agreement was reached.

Claim Objections

Claims 17, 36 and 37 are objected to for an informality of missing a conjunction between parts a) and b). Claim 17 has been amended as suggested.

Claim Rejections – 35 U.S.C. § 112, Second Paragraph

Claims 36-43 and 45 are rejected under 35 U.S.C. § 112, second paragraph, as depending upon cancelled claims. Claims 36-43 and 45 have been amended to clarify dependency.

Claim Rejections – 35 U.S.C. § 102

Claims 17, 18, 20, 22-26 and 36-45 are rejected under 35 U.S.C. § 102(b) as being anticipated by Loetscher et al., *J. Biol. Chem.* 1993 Dec., 15:268(35):26350-7. Applicants respectfully submit that none of the variants disclosed in Loetscher meet all of the limitations of the claims, as amended.

For an anticipation rejection under 35 U.S.C. § 102 to be proper, a single reference must disclose each and every element of a claim. *In re Paulsen*, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994); M.P.E.P. § 2131 (citing *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)).

Applicants respectfully submit that none of the variants disclosed in Loetscher meet all of the limitations of the claims, as amended. Specifically, Applicants have amended the

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independent claims to clarify that receptor signaling (i.e., activation) is decreased in ALL cognate receptors. A decrease in one receptor while maintaining signaling in a second receptor was not intended to be within the scope of the claims. None of the variants in Loetscher teach both at least one amino acid substitution in the Large Domain and at least one amino acid substitution in a domain selected from the group consisting of the DE Loop and the Small Domain, and wherein the variant (or mixed variant) is substantially incapable of causing receptor activation **in all cognate receptors** as compared to a homotrimer of the wild-type TNFSF oligomer.

Applicants respectfully request the rejection under 35 U.S.C. § 102(b) as being anticipated by Loetscher be withdrawn.

Conclusion

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Monrovia, California telephone number (626) 737-8089 to discuss the steps necessary for placing the application in condition for allowance.

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Dated: December 23, 2008 By: / Kenton Abel /

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